IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 30566 of 2006(L)

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PETITIONER:

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PENNAMMA K.M., PHYSICAL EDUCATION
TEACHER, MARYLAND HIGH SCHOOL,
MADAMBAM.

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION
THIRUVANANTHAPURAM.

3. THE DISTRICT EDUCATIONAL OFFICER,
KOTTAYAM.

4. THE CORPORATE MANAGER,
CORPORATE EDUCATIONAL AGENCY OF SCHOOLS,
DIOCESE OF KOTTAYAM, CATHOLIC BISHOP'S HOUSE,
KOTTAYAM.

5. SRI.PHILIP THOMAS,
PALLOONNIL HOUSE, KAITHAPPURAM P.O.,
KANNUR DISTRICT.

BY ADV. SRI.TONY GEORGE KANNANTHANAM
GOVT.PLEADER SMT.SREELATHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/06/2007, ALONG WITH WPC NO. 30909 OF 2006 WPC NO. 31074 OF 2006 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**A.K. Basheer, J.**

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**W.P(C) Nos.30566, 30909**
**&**
**31074/2006**

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**Dated this the 26th day of June, 2007.**

**J U D G M E N T**

In view of the intervening developments, it is not necessary to consider the issue involved in these cases at great length. However it has to be noticed that petitioners were appointed as Physical Education Teachers on the strength of the certificate obtained by them from the State of Karnataka. Petitioners had been continuing in service eversince their appointment, years ago. However the Government took the view in the light of Ext.P17 judgment of this Court in WP.19348/03 and connected cases, that the certificate obtained from the State of Karnataka was not in conformity with the Rules in the Kerala Educational Rules. Consequently Government issued Ext.P18 order directing the Director of Public Instruction to take immediate steps to cancel the approval granted to the petitioners . It is in the above circumstances that the petitioners have filed these writ petitions praying for identical reliefs.

2. It is now brought to my notice that Government has issued a notification bearing No. G.O (P).10/2007/G.Edn. dated January 12, 2007 amending sub-rule (3) of Rule 2 in Chapter XXXI KER. The relevant amendment, as it appears in the notification, is extracted hereunder:

> "2. Amendment of the rules:--In the Kerala Education Rules, 1959, in Chapter XXXI, after item (2) of clause (b) of sub-rule (3) of

rule 2, the following item shall be inserted, namely:--

> "(3) Certificate in Physical Education of Karnataka and Tamil Nadu States will be recognised as an alternate qualification for appointment of Physical Education Teacher in aided schools in the State."

It is clear from the amendment that certificate in Physical Education of Karnataka and Tamil Nadu States would be recognised as an alternate qualification for appointment as Physical Education Teacher in aided schools in the State of Kerala. It is also made clear in the notification that the amendment shall be deemed to have come into force on the 1st day of June 1984. In view of the said amendment, the petitioners cannot have any apprehension that their recruitment would be in jeopardy.

3. Learned counsel submits that in the above facts and circumstances the writ petitions can be closed. I do so.

It is made clear that the approval of appointment of the petitioners shall not be cancelled in view of the above amendment.

**A.K. Basheer**

**Judge.**

**an.**